

EX PARTE OR LITE FILED 97-182

THAD COCHRAN
MISSISSIPPI

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United States Senate

WASHINGTON, DC 20510-2402

November 5, 1997

COMMITTEE ON
AGRICULTURE, NUTRITION,
AND FORESTRY

COMMITTEE ON
APPROPRIATIONS

COMMITTEE ON
GOVERNMENTAL AFFAIRS

COMMITTEE ON
RULES AND
ADMINISTRATION

*MM97-182
JAN 28 1998*

RECEIVED

JAN 28 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable William Kennard, Chairman
Federal Communications Commission
1919 M Street
Washington, D.C. 20554

Dear Chairman Kennard:

I am enclosing correspondence from numerous constituents of mine, who are quite concerned about and opposed to proposed rule MM97-182 by the Federal Communications Commission, which would preempt state and local zoning and land use restrictions on the siting, placement and construction of broadcast station transmission facilities.

I share their concern over the potentially negative impact of this rule on local airports and governments and ask that you consider their views in your agency's on-going comment and review period. I am aware that the public comment period ended November 1, 1997, but I understand that further review will extend through December, at which time you and the Commissioners will begin your consideration.

I would appreciate your assistance in responding to my constituents, as well as being apprised of the Commission's decision regarding this proposed change. Thank you.

Sincerely,

Thad Cochran

THAD COCHRAN
United States Senate

TC/re

Enclosures

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**Gulfport-Biloxi
Regional Airport Authority**

Commissioners
G. B. Werby
Frank Genzer
Travis Lott Jr.
B. A. Frallic, A.A.E.
Executive Director

97 OCT 20 AM 9:57

October 17, 1997

The Honorable Thad Cochran
United States Senate
326 Russell Office Building
Washington, DC 20510

Re: Federal Communication Commission
NPRM Docket: MM97-182

Dear Senator Cochran:

We have notified the Federal Communications Commission by the enclosed letter that Gulfport-Biloxi Regional Airport Authority strongly opposes this rule change.

To summarize, FCC proposes to preempt airport and local government review of aeronautical obstructions (tall towers) related to the new digital television (DTV) system proposed for the Nation. However, the proposed new time constraints and automatic approval process threaten to negatively impact our airport capacity and the future of safe and efficient air commerce in the Nation. As serious, the rule would shift new costs onto us as an unfunded mandate, and further alter the burden of proof to weigh heavily on airports and local government rather than maintain a public private sector balance.

For these reasons, the Gulfport-Biloxi Regional Airport Authority asks that you urge rejection of this proposed rule.

Please let us know if you need further information, and thank you for your support.

Sincerely,

GULFPORT-BILOXI REGIONAL
AIRPORT AUTHORITY

G.B. Werby, Chairman

GBW/cw

Enclosure

Natchez-Adams County Airport



CLINTON B. POMEROY
Director of Aviation

434 Airport Road Natchez, Mississippi 39120 601-442-5171

September 30, 1997

Office of Secretary
Federal Communications Commission
Washington, DC 20554

REF: Docket #97-182

Dear Secretary:

I am writing in regard to the notice of proposed rule making on the Preemption of State and Local Zoning and Land Use Restrictions on the Siting Placement of Broadcast Station Transmission Facilities.

I am very much against any rules which allow the preempting of local and state rules. This is against the intent of our constitution in the separation of federal and state power.

As the proposed change suggests, the broadcast industry will be given the right to do whatever they please to site their DTV towers and other displaced broadcasting towers. I don't feel that this would be fair as it seems that the federal government is, at the expense of the local and state citizens, supporting the very industry the FCC is supposed to regulate. The claim that the broadcaster can't meet the deadline is not to me a valid reason to take away the rights of local and state government to regulate the use of its land. It is my opinion that if there is a problem it is with the deadline. DTV is not something that is essential to life. Why do we even have to force the transition to DTV? I think the FCC should spend more time regulating the content on the existing broadcast TV. The poor quality standards of content and the obscenity that is allowed to be broadcast is of greater importance than changing the broadcast standards. I don't want to have to go out and buy a new TV just to receive the same poor quality TV in a new quality format.

I also have a real concern with this ruling. It will help prevent aviation interests from controlling where towers are placed in respect to airports and airways. There are many airports in the country who have tried hard to control the placement of towers that will affect the use of their airport.

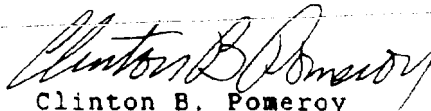
I know of small airports that are unable to have a useful instrument approach procedure because of existing tall towers. If we allow easing of local and state control the new towers will restrict further efforts of airports to improve their instrument flight rule capabilities. This is a very critical issue now in aviation as the FAA is moving to provide satellite based

navigation through GPS satellites. The use of GPS for en route and terminal approach navigation will allow any airport with the required airspace clearance to have an instrument approach as good as any major airport in the country. If that community can't have a means of controlling development around their airport they will lose the full capability of that airport.

There can be a simple solution to this problem. Extend the deadline for DTV services to begin. If there is a siting problem with an individual broadcaster, simply give that firm an extension to complete the work. With just this bit of simple logic the situation can be handled without taking away the rights of the states and local governments to control their regulations.

Thanking you for your consideration in this regard. This is an important change and it should be very carefully considered.

Sincerely,


Clinton B. Pomeroy
Director of Aviation

CBP/je

cc: Senator Thad Cochran
Senator Trent Lott
Congressman Mike Parker

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